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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,012	12/23/2005	Hiroyuki Furushima	Q91175	2834
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SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
TSENG, CHENG YUAN				
ART UNIT		PAPER NUMBER		
2184				
MAIL DATE		DELIVERY MODE		
08/20/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/562,012

Applicant(s)

FURUSHIMA ET AL.

Examiner

CHENG-YUAN TSENG

Art Unit

2184

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 5-13.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184

/C. T.J.
Examiner, Art Unit 2184

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant perceives examiner interpreting claimed instruction table inconsistently by pointing to the I/O table of Yuen and Pane 213 as in Office action page 3.

Examiner respectfully disagrees with applicants, since both I/O table and template conveyor (table) are considered reasonably fit into the claim language. Examiner's position is consistent with accessing I/O with table, such as selecting motor type for output of motor up or down.

Applicant argues that the claim stores input/output type, not merely a parameter (page 3).

Examiner respectfully disagrees with applicant, since a parameter of a library [function] must have a type. Thus, while a parameter is stored, a type is stored therewith. Furthermore, the claim is interpreted as "an instruction table for storing ... and corresponding ...". The storing and corresponding are parallel. Thus, the input/output types are not even needed to be stored, but merely "corresponding" to the instruction table only.

Applicant argues that the cited prior art does not perform "searching an instruction table" simply because applicant only understand fig. 3 as a schematic representation (page 4).

Examiner respectfully disagrees with applicant, since applicant must understand the fig. 3 from its meaning throughout the cited document, and not just what is appears in fig. 3. For example, the repository 50 is clearly a location to be searched by library 60 from project 80 with automations via wrapper 90.

Applicant argues that Yuen does not determine corresponding input/output types of parameters for instructions, since it appears to applicant that Yuen merely extracting variable names and replacing variable names (page 5).

Examiner respectfully disagrees with applicant, since the claim recites "search/determining". The "/" is interpreted as "or", and Yuen sufficiently performs at least "searching" already. Furthermore, the "determining" is merely determining a corresponding input/output type of a parameter. It is known that a parameter must have corresponding input/output type. Thus, once the search is performed, the determination of corresponding parameter-input/output type is also performed therewith.

Applicant argues that Yuen does not disclose combining DLL with a determined corresponding input/output type (page 5).

Examiner respectfully disagrees with applicant, since Yuen discloses libraries and DLLs. DLLs are dynamically linked with user's code during code generation. Such a linking requires "combining addresses" as well known in the pertinent art. It is noted that examiner cites "combining an address" with "linking operation such linking DLL", not just equate DLL with an address as applicant argues.